

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.20483 of 2007

Between:

Bandaru Sanyasamma and another.

... Petitioners

and

The Thasildar and others.

... Respondents

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.20483 of 2007

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ORDER:

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It is the case of the petitioners that they purchased land admeasuring Ac.2-10 cents in Sy.No.152/3 situated at Swayambhuvaram Village, Parawada Mandal, Visakhapatnam District. While so, the 1st respondent issued notices, dated 30-03-2007 and 30-04-2007, to the original assignee viz., one Sri Kothurthi Sanyasi Rao as well as to Sri Pyla Appanna and Smt.Pyla Adilakshmi, who are found in possession of the said land, stating that the said land was assigned to one Sri Kothurthi Sanyasi Rao, but the said land was found in possession of one Sri Pyla Appanna and one Smt.Pyal Adilakshmi in violation of provisions of sub-section (2) of Section 3 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"). It is stated that the original assignee Kothurthi Sanyasi Rao died and therefore, his wife Smt.Kothurthi Lakshmi succeeded the said property.

It is the case of the petitioners that they purchased the said land from one Smt.Kothurthi Lakshmi, who is the wife of Kothurthi Sanyasi Rao.

Admittedly, Smt.Kothurthi Lakshmi, who is the wife of the original assignee, submitted explanation, but the persons, who are found in possession of the said land, did not file any explanation, pursuant to the notices, dated 30-03-2007 and 30-04-2007. As the land in question was transferred in contravention of sub-section (2) of Section 3 of the Act, the

assignment made in favour of Sri Kothurthi Sanyasi Rao was cancelled and resumed the said land into the Government custody through order, dated 03-08-2007.

It is the case of the petitioners that in fact they purchased the said land from the wife of the original assignee and, therefore, they are entitled for a notice.

I am of the opinion that if the petitioners are in possession of the land in question and if they are aggrieved by the order, dated 03-08-2007, the petitioners have got an effective alternative remedy by way of filing appeal under Section 4-A (1) of the Act.

Having regard to the facts and circumstances of the case, the writ petition is dismissed with liberty to file an appeal before the Appellate Authority against the order, dated 03-08-2007. There shall be no order as to costs.

28-09-2007

Prv